



# Press Release

Congressman John Conyers, Jr.  
Michigan, 14<sup>th</sup> District



Ranking Member, U.S. House Judiciary Committee  
Dean, Congressional Black Caucus

[www.house.gov/judiciary\\_democrats/index.html](http://www.house.gov/judiciary_democrats/index.html)

For Immediate Release:  
October 6, 2005

Contact: Dena Graziano  
(202)226-6888

**Conyers, Miller and Others Demand Special Counsel for  
Black and Abramoff Investigations**

WASHINGTON, D.C. – Congressman John Conyers, Jr., Ranking Member of the House Judiciary Committee issued the following statement at a press conference today asking that the Department of Justice appoint a special counsel to investigate two instances of possible political manipulation by Justice Department officials:

“First, we believe that the circumstances surrounding the November 2002 demotion of former Acting United States Attorney for Guam and the Northern Mariana Islands, Frederick A. Black give rise to the appointment of a special counsel. The fact that he was demoted just one day after he obtained a subpoena into Jack Abramoff’s lobbying activities in Guam, and was replaced by an individual recommended by the Guam Republican Party through Karl Rove, certainly raises cause for concern.

Second, we believe that the circumstances surrounding Jack Abramoff and his access to a classified, DOJ review of loopholes in Guam and Mariana Island immigration laws, are problematic. Mr. Black had ordered the review in the wake of the September 11 terrorist attacks, but they were apparently jettisoned after Mr. Abramoff obtained a confidential copy of the review.

The appointment of a special counsel is clearly called for by the regulations – a criminal investigation is warranted; a conflict of interest exists; and it would be in the public interest have an independent, non-partisan review.

At a time when public confidence in the government and its leaders is at all time lows, we must act to restore that faith. A good place to start is by ensuring that those in place to fight public corruption, such as U.S. Attorneys, are not hindered in their efforts by political appointees and high priced lobbyists. Even more credibility is lost when we allow the potentially culpable to be investigated by their friends as is happening now.

RICHARD W. POMBO, CA  
*Chairman*  
DON YOUNG, AK  
JIM SAXTON, NJ  
ELTON GALLEGLY, CA  
JOHN J. DUNCAN, JR., TN  
WAYNE T. GILCHREST, MD  
KEN CALVERT, CA  
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STEVEN PEARCE, NM  
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HENRY BROWN, JR., SC  
THELMA DRAKE, VA  
LUIS G. FORTUÑO, PR  
CATHY MORRIS, WA  
BOBBY JINDAL, LA  
LOUIE GOHMERT, TX  
MARILYN N. MUSGRAVE, CO

STEVEN J. DING  
*Chief of Staff*



**U.S. House of Representatives**  
**Committee on Resources**  
**Washington, DC 20515**

June 30, 2005

NICK J. RAHALL II, WV  
*Ranking Democrat Member*  
DALE E. KILDEE, MI  
ENI F.H. FALEOMAVAEGA, AS  
NEIL ABERCROMBIE, HI  
SOLOMON P. ORTIZ, TX  
FRANK PALLONE, JR., NJ  
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RON KIND, WI  
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TOM UDALL, NM  
RAÚL GRIJALVA, AZ  
MADELINE Z. BORDALLO, GU  
JIM COSTA, CA  
CHARLIE MELANCON, LA  
DAN BOREN, OK  
GEORGE MILLER, CA  
EDWARD J. MARKEY, MA  
PETER DEFazio, OR  
JAY INSLEE, WA  
MARK UDALL, CO  
DENNIS CARDOZA, CA  
STEPHANIE HERSETH, SD

JAMES H. ZOIA  
*Democratic Staff Director*

The Honorable Alberto R. Gonzales  
Attorney General  
United States Department of Justice  
950 Pennsylvania Avenue, N.W.  
Washington, DC 20530

Dear Mr. Attorney General:

We write to bring to your attention a matter raised by a senior Member of the House Committee on Resources.

Recent reports have detailed the work being undertaken by the Public Integrity section within the Criminal Division at the Department of Justice with regard to the lobbying work of Jack Abramoff. We respect the difficult and sensitive nature of the work that this division pursues. In particular, the team of attorneys lead by Mary K. Butler, who is heading up the work of the Public Integrity section, may be best suited to address this request.

As the attached correspondence indicates, Congressman George Miller requested a formal investigation of the work that Mr. Abramoff did in relation to the Commonwealth of the Northern Mariana Islands. We are forwarding to you a large amount of information provided to us by Congressman Miller with regard to this issue so that you may have a better understanding of his concerns. Further, we are also enclosing the relevant correspondence between our Congressional offices on this matter as well as other documentation relating to the historical context of this issue.

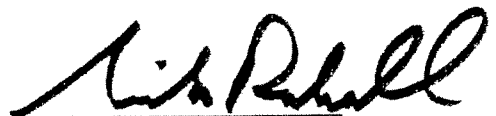
It is our hope that you could review this material provided to us by Congressman Miller for our Committee, as any allegations of criminal matters of this sort are best addressed by the Department of Justice.

Thank you in advance for your assistance in this matter.

Sincerely,



RICHARD W. POMBO  
Chairman



NICK J. RAHALL, II  
Ranking Member

cc: Mary K. Butler, Criminal Division, Department of Justice  
Congressman George Miller

GEORGE MILLER  
7TH DISTRICT, CALIFORNIA

2205 RAYBURN HOUSE OFFICE BUILDING  
WASHINGTON, DC 20515-0507  
(202) 225-2095

[www.house.gov/georgemiller](http://www.house.gov/georgemiller)

DANIEL WEISS  
CHIEF OF STAFF

COMMITTEE ON EDUCATION  
AND THE WORKFORCE  
SENIOR DEMOCRAT

COMMITTEE ON RESOURCES

DEMOCRATIC POLICY COMMITTEE  
CHAIRMAN

**Congress of the United States**  
**House of Representatives**  
Washington, DC 20515-0507

April 13, 2005

CAROL HATCH  
DISTRICT DIRECTOR  
1333 WILLOW PASS ROAD  
SUITE 203  
CONCORD, CA 94520  
(925) 602-1880  
3220 BLUME DRIVE  
SUITE 281  
RICHMOND, CA 94806  
(510) 262-6500  
375 G STREET  
SUITE #1  
VALLEJO, CA 94592  
(707) 645-1888  
TTY (202) 225-1904

The Honorable Richard Pombo  
Chairman, Committee on Resources  
1324 Longworth House Office Building  
Washington, DC 20515

Dear Mr. Chairman:

Since 1992, I have been engaged in efforts in the Congress to remedy the abuse of tens of thousands of foreign guest workers in the U.S. Commonwealth of the Northern Marianas Islands (CNMI) and to strengthen U.S. immigration and labor laws governing the territory.

For many years, there has been a systematic and well-documented pattern of labor and human rights violations, as the CNMI aggressively developed its economy based on the importation of tens of thousands of poor, indentured foreign workers -- mostly women -- from Asia. Housed in barrack-like buildings, sometimes surrounded by barbed wire, the workers have been forced to toil as much as 12 hours a day at sub-minimum wages, under often dangerous and unsafe conditions. Widespread cases of wage underpayment and other violations of federal labor law have been documented, litigated and prosecuted, including a \$20 million settlement between 54 retailers and the CNMI government to compensate and give back pay to up to 30,000 factory workers on the islands.<sup>1</sup>

The situation has been even graver for the young women who arrived in the CNMI with the promise of a job in the garment factories or hotels, only to find no job available. Hundreds of these young women have been coerced into the CNMI's thriving sex trade.<sup>2</sup> Others were simply abandoned in the slums of Saipan, thousands of dollars in debt to mercenary recruiters, and unable to afford to return to their home countries.<sup>3</sup>

As early as 1992, as chairman of the Committee on Natural Resources, I held a hearing on the abuses in the CNMI. In subsequent years, I conducted additional investigations, including an official inspection tour, and I produced two reports that documented the extent of these abuses.<sup>4</sup>

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<sup>1</sup> Associated Press, 2/45/03.

<sup>2</sup> "Is this the USA?" *20/20 ABC News*, 3/13/98.

<sup>3</sup> "Economic Miracle of Mirage: The Human Cost of Development in the Commonwealth of the Northern Marianas Islands." Committee on Resources, Democratic Staff. US House of Representatives. 4/24/97

<sup>4</sup> "Economic Miracle of Mirage: The Human Cost of Development in the Commonwealth of the Northern Marianas Islands." Committee on Resources, Democratic Staff. US House of Representatives. 4/24/97; "Beneath the American Flag: Labor and Human Rights Abuses in the CNMI." Rep. George Miller and the Committee on Resources, Democratic Staff. US House of Representatives. 3/26/98.

Hon. Richard Pombo  
April 14, 2005  
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The findings of these reports were confirmed by several interdepartmental reports from the Executive Branch, as well as in numerous press and media exposés.<sup>5</sup> I also introduced legislation in 1997 to fully extend US labor and immigration laws to the CNMI.<sup>6</sup> While this legislation was blocked from moving forward in the House, the Senate passed immigration legislation by unanimous consent in February 2000.<sup>7</sup>

Recent investigations by *ABC News*,<sup>8</sup> the *Marianas Variety*,<sup>9</sup> the *Saipan Tribune*,<sup>10</sup> and the *Associated Press*<sup>11</sup> have highlighted the past involvement of lobbyist Jack Abramoff and others in behavior that warrants investigation by the committee of jurisdiction in the House of Representatives, the Resources Committee. These allegations include the overpayment for lobbying services, interference in territorial elections, interference in contract procurement, and the questionable payment of overseas trips for Members of Congress and staff – all during the period Mr. Abramoff represented the Marianas government and interests in the territory.

As a member of the House Resources Committee, which has jurisdiction over U.S. territorial affairs, I am requesting that you, as Chairman, begin an investigation of any potential wrongdoings related to Mr. Abramoff, his associates, and clients in the CNMI.

While two committees in the Senate are engaged in thorough reviews of allegations concerning Mr. Abramoff and his associates and their involvement with Native Americans tribes, the Committee on Resources has neither begun such a review nor an investigation into allegations of possible improprieties involving the CNMI and Mr. Abramoff and his associates. The growing evidence of questionable activities compels the Committee to exercise its appropriate oversight responsibilities without further delay.

I request that such an investigation by the Resources Committee proceed in a bipartisan manner, involving the staff of both the Republican and Democratic Members, and that the methodology, scope and timetable for the inquiry be jointly developed and presented to the Committee membership at the earliest possible date. All materials sought by the Committee should be requested in a bipartisan manner and reviewed in their entirety by both the majority and minority staffs and Members.

### **CNMI Background**

In 1976, Congress approved a covenant to establish the CNMI under the sovereignty under the United States. This covenant, which was approved by our Committee, exempted the CNMI from

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<sup>5</sup> Department of Interior, Office of Insular Affairs: "Federal-CNMI Initiative on Labor, Immigration, and Law Enforcement in the Commonwealth of the Northern Mariana Islands." Annual Reports, 1995-1998.

<sup>6</sup> HR 1450, introduced 4/24/97.

<sup>7</sup> Senator Daniel Akaka, Press Release, "Senate Passes CNMI Reform Bill." 2/7/00.

<sup>8</sup> "DeLay's Lavish Island Getaway: Embattled Lobbyist Arranged DeLay Trip." *ABC News: World News Tonight*. 4/6/05.

<sup>9</sup> "NMI Dragged into Abramoff-DeLay Controversy," 4/ 5/05.

<sup>10</sup> *Saipan Tribune*. 4/4/05.

<sup>11</sup> *Associated Press*, 3/30/05.

U.S. immigration and labor laws.<sup>12</sup> The CNMI government encouraged garment manufacturers from China to locate in Saipan, the CNMI capital, as a way of circumventing quotas and customs duties since the territory is exempt from both.<sup>13</sup>

The CNMI garment industry is entirely staffed with temporary foreign guest workers brought in by labor recruiters, primarily from China. CNMI garment workers have no green cards and no right to apply for permanent residency. The 40,000 guest workers (15,000 in the garment industry alone), having paid up to \$7,000 to a recruiter to secure a job, outnumber the permanent residents, who are U.S. citizens. The cloth they use for manufacture is entirely of Chinese origin. In effect, the CNMI garment industry is a Chinese enterprise operating on U.S. soil solely for the purpose of circumventing duties and, in the past, quotas.<sup>14</sup>

Wage, overtime, and workplace safety violations in the CNMI garment industry have been widespread and well-documented both by congressional and interdepartmental reviews. Furthermore, hundreds, perhaps thousands, of unsuspecting women were lured to the CNMI under false pretenses for jobs that did not exist, only to end up in the sex trade, still indentured to their recruiters.<sup>15</sup>

#### **CNMI Relationship with Jack Abramoff**

There are numerous issues that merit committee investigation in this matter. I have highlighted below four in particular that should be of serious concern to the Committee.

##### **Improper accounting of lobbying fees**

Mr. Abramoff, now at the center of two Senate committee investigations, was contracted by the government of the CNMI from 1994 to October 2001 to help maintain the territory's exempt status from certain labor and immigration laws.<sup>16</sup>

Between 1994 and 2000, Mr. Abramoff represented the government of CNMI, first through the lobbying firm Preston Gates Ellis and Rouvelas Meeds, LLP, and after 2000, through the lobbying firm Greenberg Traurig. In 1999, Mr. Abramoff was also contracted to represent the Western Pacific Economic Council, a non-profit organization located in the CNMI, and from 2001-2002, Mr. Abramoff represented the Saipan Garment Manufacturers Association -- the textile industry association in the CNMI.<sup>17</sup>

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<sup>12</sup> "Economic Miracle of Mirage: The Human Cost of Development in the Commonwealth of the Northern Mariana Islands." Committee on Resources, Democratic Staff. US House of Representatives. 4/24/97.

<sup>13</sup> "Beneath the American Flag: Labor and Human Rights Abuses in the CNMI." Rep. George Miller and the Committee on Resources, Democratic Staff. US House of Representatives. 3/26/98.

<sup>14</sup> Ibid.

<sup>15</sup> "Is this the USA?" 20/20 ABC News. 3/13/98.

<sup>16</sup> Audit Report AR-99-04, Office of the Public Auditor, CNMI

<sup>17</sup> Lobbying Reports, Clerk of the House.

According to a 1999 internal audit of the CNMI's lobbying contracts, Mr. Abramoff and others were paid \$8-10 million to represent the Marianas and the Saipan garment industry – a substantial sum given the CNMI's \$35 million budget deficit in 1998.<sup>18</sup>

The audit raised two key questions about the Abramoff contract.

- The audit questioned whether the CNMI had overpaid Mr. Abramoff for his services at Preston Gates.
- The audit found that between October 1, 1996 through October 31, 1997, and again from November 1, 1998 through July 31, 2000, Preston Gates had no valid contract with CNMI, and thus payments made to the firms were unlawful.<sup>19</sup>

Additionally, a comparison of Mr. Abramoff's lobby disclosure reports to the audits reveals that Mr. Abramoff failed to account for more than \$1 million in fees the CNMI government paid for his services between 1996 and 2001.<sup>20</sup>

#### **Congressional Trips to the CNMI**

From 1996 through 1998, more than 85 Congressmen, Senators, aides and others, including then-Majority Whip Tom DeLay, flew to the CNMI in an effort by the local government and the garment industry to maintain CNMI's exemptions from U.S. labor, immigration and customs laws.<sup>21</sup>

To date, it has been largely assumed that the government of the CNMI was covering the costs of these trips. But several factors indicate that Mr. Abramoff may have paid for the trips through Preston Gates. According to a *Washington Post* article in April 1996, a spokesman for then-Gov. Froilan Tenorio admitted that he was not sure who paid for the travel.<sup>22</sup> Furthermore, in an audit of the Preston Gates contract in October, 1999, Preston Gates could not account for all of the money CNMI had paid to the firm, including travel charges incurred in September 1995, August 1996, September 1996, and November 1996.

Clearly, Mr. Abramoff believed the congressional trips were an important tool in achieving his clients' goals. An email from Mr. Abramoff to his CNMI clients, dated January 31, 1998, describes how a team of Preston Gates lobbyists, whom he calls the "Travel Subgroup," will "have responsibility for any trips to the CNMI." The memo goes on to say that "there is no

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<sup>18</sup> *Seattle Times*, 7/2/98.

<sup>19</sup> Audit Report, AR-99-04, Office of the Public Auditor, CNMI

<sup>20</sup> Audit Report M-01-05 of the Office of the Public Auditor, CNMI reported between fiscal years 1996-2001, CNMI paid Abramoff \$7,171,131. Abramoff's lobby disclosure reports, however, report his earnings at only \$5,560,000 for calendar years 1996-2001. In fiscal year 1999, alone, CNMI reported paying Abramoff \$1,064,314 in fees, yet Abramoff failed to disclose any payments in his lobbying forms for that calendar year.

<sup>21</sup> *The New Republic*, 6/18/01, *New York Times*, 1/20/98

<sup>22</sup> *Washington Post*, 4/2/96.

doubt that trips to the CNMI are one of the most effective ways to build permanent friends on the Hill and among policy makers in Washington."<sup>23</sup>

As just one testament to the apparent influence Mr. Abramoff's lobbying effort was having on local interests and members of Congress, the head of the largest garment operation on Saipan, Mr. Willie Tan, wrote an article referring to Preston Gates as "one of the nation's leading legal and lobby firms" because of its connection to the "Kingmaker of the U.S. House of Representatives," referring to Congressman DeLay.<sup>24</sup>

### **Interference in CNMI Elections**

In 1999, two men who formerly served as key staff to Congressman DeLay -- Ed Buckham, a one-time chief of staff who later became the head of his Leadership PAC, ARMPAC, and Mike Scanlon, his former spokesman and an Abramoff associate -- were involved in an effort to influence the election of the Speaker of the CNMI Legislature. The goal of this manipulation was to assure selection of a pro-garment industry candidate.<sup>25</sup>

The garment industry favored the election as Speaker of Ben Fitial, a Democrat and a high-ranking executive in the Willie Tan garment factory enterprises, a task complicated by the fact that the Republicans held a majority in the CNMI legislature.

As the *Washington Post* noted, "[Congressman] DeLay and his aides made local lawmakers aware of the whip's close ties to Fitial, putting an airport runway wanted by some Marianas lawmakers on a list of projects in ... the transportation spending bill."<sup>26</sup> As Mr. Abramoff and his associates had hoped, two of the Republican members of the CNMI Legislature switched their support and voted to elect the Democrat, Fitial, as Speaker. One of the members who was spoken to and changed his vote, Norman Palacios, still serves in the CNMI legislature. At the time, Buckham said of the election turn-around, "I'm sure it did show he [Fitial] had powerful friends in Washington. I'm not going to deny that."<sup>27</sup>

### **Congressional Intervention in CNMI on Behalf of Enron**

There is also a record of Congressional intervention into contract negotiations in the CNMI. In 1999, Enron, represented by Mr. Buckham, was involved in a dispute over a power plant permit in CNMI. Bidding on the contract had already closed before Enron had submitted an offer. Mr. Buckham had Congressman DeLay write to the CNMI government on Enron's behalf, asserting that while he understood that the Marianas "desperately needs a fair hearing in far-off Washington, D.C., which at least some of us here have been able to provide," but that he was

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<sup>23</sup> Email from Jack Abramoff to Willie Tan, Gov. Fitial, and [elovinos@aol.com](mailto:elovinos@aol.com), Sat, January 31, 1998.

<sup>24</sup> *Saipan Tribune*, 11/18/98. The newspaper is also owned by Mr. Tan.

<sup>25</sup> *Washington Post*, 7/26/2000.

<sup>26</sup> "A 'Petri Dish' in the Pacific; Conservative Network Aligned with DeLay Makes Marianas a Profitable Cause," July 26, 2000.

<sup>27</sup> *Washington Post*, 7/26/2000.



"also obligated to provide the same opportunity to ... Houston-based Enron Corp."<sup>28</sup> The bidding was reopened, Enron qualified, and Fitial made sure the \$120 million contract went to Enron.<sup>29</sup> Enron later backed out of the deal.<sup>30</sup>

**Conclusion:**

I believe there is more than enough initial evidence to warrant a thorough bipartisan investigation of Mr. Abramoff and congressional interference into elections and contracts in the territories. Additionally, the Committee should grant subpoena power to the Chair, establish a timetable for reporting on these events, and coordinate wherever necessary with other investigations of related behavior, including at the Department of Justice. Specifically, the Committee should further investigate the following issues:

- Did Mr. Abramoff fail to report all of the fees he received from the CNMI?
- Did Mr. Abramoff or others illegally pay for the trips that members and staff took to the CNMI in the 1990's?
- Did Mr. Ed Buckham and Mr. Mike Scanlon offer *quid pro quo* appropriations projects to CNMI representatives in order to affect the outcome of the Speaker election in the CNMI?
- Did Members of Congress inappropriately interfere with the procurement of a contract in the CNMI?

Since the early 1990's, I and some of my colleagues, have fighting to put an end to the systematic and well-documented pattern of labor, immigration, and human rights abuses in the CNMI. Despite the fact that the CNMI is a territory of the United States, for too long Congress has either turned a blind eye toward -- or in some cases even worked to sustain -- a system where tens of thousands of guest workers have been forced into indentured servitude and even the sex trade.

What has now become apparent is that Mr. Abramoff, who is the focus of Senate and Justice Department investigations for his conduct relating to five Native American tribes, was similarly engaged in unethical and possibly illegal behavior with regard to his professional relationship with the CNMI. Furthermore, congressional actions raise serious questions regarding improper interference with CNMI elections and contracts.

Based on these facts, outlined in detail in this letter, I believe the Committee, which has explicit jurisdiction over the CNMI, is obligated to launch a fair and thorough investigation of these matters. Failure to pursue this investigation will not only add to the history of congressional

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<sup>28</sup> DeLay Letter to Speaker Benavente, 5/18/99.

<sup>29</sup> Washington Post, 7/26/2000.

<sup>30</sup> Baltimore Sun, 4/3/02.

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neglect of matters of grave concern and importance but would be a serious abdication of this Committee's responsibility to oversee a critical area of its jurisdiction.

Thank you very much for considering this request. I look forward to working with you to uncover all the facts associated with these activities.

Sincerely,

**GEORGE MILLER**  
Member of Congress

# Congress of the United States

Washington, DC 20515

October 6, 2005

The Honorable Alberto Gonzales  
Attorney General of the United States  
U.S. Department of Justice  
950 Pennsylvania Avenue, NW  
Washington, DC 20530

Dear Mr. Attorney General:

We write to request that the U.S. Department of Justice immediately appoint an outside special counsel to investigate two instances of potential political manipulation by Justice Department officials in criminal and immigration matters concerning Guam and the U.S. Commonwealth of the Northern Mariana Islands (CNMI).

First, we believe an outside special counsel is needed to investigate the circumstances surrounding the November 2002 demotion of former Acting United States Attorney for Guam and CNMI, Frederick A. Black.

At the time U.S. Attorney Black was demoted, and replaced by Leonardo Rapadas, Mr. Black was reportedly directing a long-term investigation into allegations of public corruption within the Government of Guam. The demotion came just one day after a federal grand jury subpoena had been issued in a criminal investigation initiated by Mr. Black into Jack Abramoff's lobbying activities for the Guam Superior Court.<sup>1</sup> According to a *Los Angeles Times* article, Mr. Rapadas had been "recommended by the Guam Republican Party." Specifically, it was reported that a Republican lobbyist said he carried that recommendation to Karl Rove, White House Deputy Chief of Staff, in early 2003.<sup>2</sup> Since taking office, U.S. Attorney Rapadas has excused himself from the ongoing public corruption case involving the Government of Guam due to a conflict of interest – namely that he is the cousin of a target of the public corruption investigation. Former Acting U.S. Attorney Black, who now serves as an Assistant U.S. Attorney in Guam, has been reportedly barred from pursuing public corruption cases.<sup>3</sup>

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<sup>1</sup>Walter F. Roche, Jr., Inquiry Into Lobbyist Sputters After Demotion, *Los Angeles Times*, August 7, 2005.

<sup>2</sup>*Id.*

<sup>3</sup>Philip Shenon, Demotion of a Prosecutor is Investigated, *New York Times*, September 27, 2005.

Second, we believe an outside special counsel is needed to investigate whether Jack Abramoff used his personal influence within the Justice Department to gain knowledge and attempt to prevent the release of a classified review of Guam and CNMI immigration laws. Mr. Black had ordered the review in the wake of the September 11th terrorist attacks to determine whether loopholes in these laws constituted a security risk for the United States.<sup>4</sup>

In an e-mail exchange dated October 1, 2001, Mr. Abramoff reportedly informed his client contact at the CNMI that "the bad guys at who still work there [at the Justice Department had] ... started a drum beat that the CNMI had to be taken over, because a loophole in the federal immigration network, and that, as such, was a threat on terrorism." Mr. Abramoff further explained that "we had the COS of the Justice Department in our box at today's Redskins game and it seems there might be a classified document floating in the department which deals with this matter."<sup>5</sup>

Mr. Abramoff assured his client that he was "supposed to see the Attorney General next week" and that another lobbyist in his group "was slated to play basketball with him before them" and that they will "both mention this to him." He noted that while the "AG will be fine" the "underlings are a worrisome matter."<sup>6</sup>

As you are aware, under Department of Justice regulations, the Attorney General must appoint a special counsel when (1) a "criminal investigation of a person or matter is warranted," (2) the investigation "by a United States Attorney Office or litigating Division of the Department of Justice would present a conflict of interest for the Department," and (3) "it would be in the public interest to appoint an outside Special Counsel to assume responsibility for the matter."<sup>7</sup> In the present case, all three requirements have been met.

First, there is little question that a criminal investigation is clearly warranted in the present case. As a matter of fact, with regard to the demotion of Mr. Black, a September 27, 2005, *New York Times* report indicates that the Federal Bureau of Investigation is looking into

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<sup>4</sup>Roche, *supra* note 1.

<sup>5</sup> Email from [abramoffj@gtlaw.com](mailto:abramoffj@gtlaw.com) to [maya@saipan.com](mailto:maya@saipan.com), October 1, 2001, on file with the United States House of Representatives, Committee on the Judiciary, Minority Office.

<sup>6</sup>*Id.*

<sup>7</sup>28 C.F.R. § 600.1 (2002).

possible misconduct in connection with this demotion.<sup>8</sup> As it pertains to the matter of Mr. Abramoff, his access to a classified Justice Department report may well constitute several violations of the Espionage Act.<sup>9</sup> As you know, it is a crime for anyone who has lawful possession of classified information to communicate that information to any person that is not entitled to receive it. It is also a crime for any person who has unauthorized access to classified information to communicate that information to any person that is not entitled to receive it.

Second, there is an obvious conflict of interest in the Department of Justice pursuing an investigation into possible misconduct by DOJ and Administration officials with regard to the demotion of Mr. Black and the possible dissemination of classified information by Department of Justice personnel. It is simply unacceptable for the Department to be investigating whether employees of the Department, or other high ranking individuals within the Administration, were responsible for demoting Mr. Black in order to limit a criminal investigation for political reasons. Press accounts indicate that officials from the Republican Party of Guam and White House Deputy Chief of Staff Karl Rove played a key role in securing a replacement for U.S. Attorney Black, providing further evidence of a political conflict of interest.<sup>10</sup>

Third, there can be no doubt that the public interest will be served by a special counsel's independent and thorough investigation into these matters. Given the highly charged political nature of the investigation, the public would clearly benefit from having a respected, non-political prosecutor reviewing the allegations of misconduct in the demotion of Mr. Black and the apparent diminishment or termination of the criminal investigation into Mr. Abramoff's

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<sup>8</sup>Shenon, *supra* note 3. The article also indicates that the Department of Justice Inspector General is looking into this matter. On August 23, 2005, Reps. John Conyers, Jr. and Madeleine Z. Bordallo asked the Inspector General to investigate the circumstances surrounding the demotion.

<sup>9</sup>18 U.S.C. § 793.

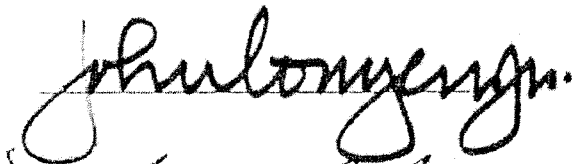

<sup>10</sup>Walter F. Roche, Jr., *supra* note 1. In 2000, Abramoff and his lobbying team logged nearly 200 contacts with the Administration. By mid-2003, he had raised at least \$100,000 for President Bush's reelection campaign, making him one of the President's famed "pioneers." Donors on the Northern Mariana Islands, Abramoff's client, also contributed significant amounts to the reelection campaign. CBS News, Lobbyist Had Close W. House Ties, May 6, 2005, available at <http://www.cbsnews.com/stories/2005/05/06/politics/printable693628.shtml>.

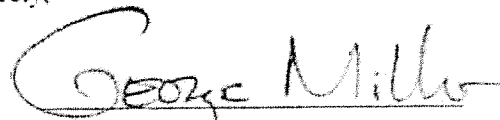

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activities in Guam and the CNMI. The entire justice system lacks credibility when prosecutors are removed in order to subvert an investigation. Regarding the potential improper influence of a lobbyist's quashing the immigration report, again, the public interest would be served by determining whether a potential improvement to American national security was rejected based on legitimate analysis of its security value or because of influence peddling by a lobbyist with proven ties throughout the Administration based on classified information.

We look forward to your prompt response as to whether you will appoint a special counsel on these matters, and if not, the reasons for your decision. Please reply through the House Judiciary Committee Minority Office, 2142 Rayburn House Office Building, Washington, DC 20515 (tel: 202-225-6504; fax: 202-225-4423).

Sincerely,



F. JAMES SENSENBRENNER, JR., Wisconsin  
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ONE HUNDRED NINTH CONGRESS

# Congress of the United States

## House of Representatives

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2138 RAYBURN HOUSE OFFICE BUILDING

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August 23, 2005

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Honorable Glenn A. Fine  
Inspector General  
United States Department of Justice  
950 Pennsylvania Avenue, Suite 4322  
Washington, DC 20530-0001

Via Facsimile: 202-616-9898

Dear Inspector General Fine:

We write to request that the Office of the Inspector General conduct an investigation into the November 2002 demotion of former Acting United States Attorney for Guam and the Northern Mariana Islands, Frederick A. Black. We are troubled by an August 7, 2005, report in the *Los Angeles Times* that suggests this demotion was politically motivated (enclosed).<sup>1</sup>

At the time U.S. Attorney Black was demoted, he was supervising a grand jury investigation into the lobbying activities of Jack Abramoff and conducting an ongoing investigation into possible corruption within the Government of Guam. U.S. Attorney Black had been serving as the Acting United States Attorney for more than 10 years when he was demoted. The timing of President Bush's decision to remove and replace U.S. Attorney Black is questionable and warrants an investigation.

The *Los Angeles Times* reports that in 2002, lobbyist Jack Abramoff entered into a secret agreement with Guam Superior Court officials to lobby against a court revision bill then pending in the United States Congress. For his lobbying efforts, Mr. Abramoff was reportedly paid with thirty-six \$9,000 checks funneled through a Laguna Beach lawyer to disguise the lobbyist's role in working for the Guam Superior Court. These transactions were the target of a federal grand jury subpoena issued on November 18, 2002, which required the Guam Superior Court Administrative Director to release records involving the lobbying contract. It was on

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<sup>1</sup>Walter F. Roche, Jr., Inquiry Into Lobbyist Sputters After Demotion, *Los Angeles Times*, August 7, 2005.

Honorable Glenn A. Fine  
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November 19, 2002, that President Bush announced he was demoting U.S. Attorney Black. The federal grand jury took no further action in the Abramoff investigation.

The *Los Angeles Times* also reports that at the time U.S. Attorney Black was demoted, he was directing a long-term investigation into allegations of public corruption in the Government of Guam. This inquiry produced numerous indictments, including some of the top officials in the government. The *Los Angeles Times* reports that an extensive effort by lobbyists connected to the Government of Guam is responsible for U.S. Attorney Black's demotion. In May 2003, U.S. Attorney Black was replaced by Leonardo Rapadas who had been recommended by the Republican Party of Guam. Fred Radewagen, a lobbyist, said he carried that recommendation to Karl Rove, White House Deputy Chief of Staff, in early 2003. Since taking office, U.S. Attorney Rapadas has excused himself from the ongoing public corruption case involving the Government of Guam because he is the cousin of one of the key targets of the investigation.

Again, we are troubled by the circumstances that surround the demotion of former Acting U.S. Attorney Black and request that an investigation be conducted. The Department of Justice should be concerned that a federal prosecutor was possibly removed from his position as a result of lobbying efforts by those he was investigating for public corruption. We appreciate your prompt consideration of this matter. Please reply through the Judiciary Committee Democratic office, 2142 Rayburn House Office Building, Washington, DC 20515 (tel:202-225-6504; fax: 202-225-4423).

Sincerely,

  
John Conyers, Jr.  
Member of Congress

  
Madeleine Z. Bordallo  
Member of Congress

Enclosure

cc: Honorable William E. Moschella  
Assistant Attorney General

Honorable F. James Sensenbrenner, Jr.  
Chairman, U.S. House Comm. on the Judiciary